

DRAFT Guidance for Electronic Submittal of Consumer Confidence Reports

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**Colorado Department
of Public Health
and Environment**

This guidance is provided by the State of Colorado for Community Public Water Systems and addresses requirements for the electronic submittal of Consumer Confidence Reports. This guidance offers clarification for electronic delivery that is consistent with the current regulatory requirements for "mail or otherwise direct delivery" as identified in Article 9.1 of the Colorado Primary Drinking Water Regulations.

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- 1.0 Purpose:** Pursuant to the *Colorado Primary Drinking Water Regulations*¹ (CPDWR) Article 9.1.5(a), “each community water system must mail or otherwise directly deliver one copy of the report to each customer.” On January 3, 2013, the United States Environmental Protection Agency (EPA) issued a memorandum² to all state drinking water directors clarifying the requirement to “mail or directly deliver” Consumer Confidence Reports (CCRs). This guidance will describe the approaches and methods for electronic delivery of CCRs that are consistent with the current CPDWR requirements.
- 2.0 Applicability:** This guidance is applicable for all community water systems (CWSs).
- 3.0 Background:** The CCR is an annual water quality report that a community water system must provide to its customers. All CWSs are required to mail or otherwise directly deliver these reports. In 2011, and as part of the EPA’s Retrospective Review Plan, CWSs inquired whether the current CCR Rule allows for electronic delivery of CCRs instead of mailing them. This would allow CWSs to reduce mailing costs and increase readership of the CCRs. In response, the EPA evaluated opportunities to improve the effectiveness of communicating drinking water information to the public, while simultaneously lowering the burden of CWSs and primacy agencies by taking advantage of new forms of education (i.e., email). The EPA memorandum clarifies the requirements for “direct delivery”.
- EPA’s memorandum, referenced above, enables state primacy agencies to allow electronic CCR delivery within the constraints specified therein. The Colorado Department of Public Health and Environment (CDPHE) is the primacy agency in the State of Colorado. The Safe Drinking Water Program (Program) within CDPHE implements and enforces the CPDWR. The Program has decided to allow electronic CCR delivery in accordance with the EPA’s memorandum as a means for CWSs to comply with Article 9.1.5(a).
- 4.0 Methods the Meet the Electronic CCR Delivery Requirements:** The following three methods meet the requirements for electronic delivery of the CCR reports:
1. *Dedicated email for the CCR.* CWSs must send customers a direct email related to the CCR. There are three options that CWSs may select:
 - a) Email customers a direct URL: CWSs must email each bill-paying customer a notification that the CCR is available and provide a direct URL to the CCR on a publically available website on the internet. A URL that requires a customer to search for the CCR, navigate through multiple website pages, or enter other information does not meet the “direct delivery” requirement.
 - b) Email customers the CCR as an attachment: CWSs must email customers and include the CCR as an electronic file attachment (e.g., as a portable document format (PDF)).
 - c) Email customers with the CCR embedded as an image in the email: CWSs must email customers with the CCR text and tables inserted into the body of the email.

2. *CCR link included in an electronic or paper bill.* CWSs must prominently display a message within the electronic or paper billing statement and include the CCR URL. The URL must provide a direct link to the CCR. A URL that requires a customer to search for the CCR, navigate through multiple website pages, or enter other information does not meet the “direct delivery” requirement.
3. *Additional electronic delivery method that meets the “direct delivery” requirements.* CWSs deliver the CCR through a method that meets the definition of “direct delivery” to each bill-paying customer. For this option, CWSs must consult with the Program to ensure that the proposed method meets the intent of the CCR and “direct delivery” requirements. The CWS must obtain written approval from the Program.

All electronic CCR submittals must meet the following elements:

1. All electronic delivery methods must clearly and prominently display the required information (e.g., link to the URL, notice explaining the attached materials, etc.). Any links to the URL or information regarding the CCR must be displayed in typeface that is at least as large as the largest type on the statement or other mailing notification.
2. If a CWS is aware of a customer’s inability to receive a CCR by the chosen electronic delivery method, the CWS must provide the CCR to the customer using an alternative method. CWSs may use a combination of paper and/or electronic delivery of the CCR in a service area. For example, a CWS may provide the CCR through an email to all electronic bill-paying customers and mail a paper CCR to all customers that receive paper bills.

CWSs may choose to undertake additional communication activities beyond electronic CCR delivery as specified above to comply with Article 9.1.5(a) of the CPDWR. However, these additional measures are not substitutes for the required methods outlined above.

5.0 Methods That Do Not Meet the Electronic CCR Delivery Requirements: The following delivery methods do not meet the delivery requirements for the CCR.

- A URL that does not take the customer to the entire CCR but requires navigation to another webpage(s) to find the CCR content.
- The use of social media (e.g., Twitter or Facebook) since these are membership Internet outlets and would require a customer to join the website in order to access their CCR. However, social media may be used as an additional communication activity, as discussed above.
- The use of automated phone calls to distribute CCRs because the entire content of the CCR cannot be provided in a phone call.

6.0 References:

1. Colorado Department of Public Health and Environment, 5 CCR 1003-1, Colorado Primary Drinking Water Regulations, November 30, 2010.
2. United States Environmental Protection Agency. Memorandum from Peter Grevatt, Director of Ground Water and Drinking Water to Water Division Directors. “Safe Drinking Water Act – Consumer Confidence Report Rule Delivery Options. Jan. 3, 2013.